

JUN 9 2026 PM 2:00
FILED - USDC - FLMD - JAX

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

HUNG QUOC NGUYEN,

Petitioner,

v.

Case No. 3:26-cv-01173-JEP-PDB

WARDEN, NORTH FLORIDA DETENTION CENTER, et al.,

Respondents.

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PETITIONER'S REPLY TO RESPONDENTS' RESPONSE

Petitioner Hung Quoc Nguyen respectfully submits this Reply to Respondents' Response and states as follows:

I. INTRODUCTION

This case presents a straightforward application of *Zadvydas v. Davis*, 533 U.S. 678 (2001). Petitioner has been detained by ICE since December 16, 2025, under a removal order that has been outstanding since 1996 — nearly thirty years. He is a Vietnamese national who entered the United States as a refugee in 1986, over four decades ago. His parents are United States citizens. He has deep, longstanding community ties in this country.

Respondents cannot remove Petitioner to Vietnam. The record provides substantial reason to believe Vietnam is unlikely to accept Petitioner, and Respondents have produced no evidence demonstrating otherwise. As of the filing of this Reply, the Government acknowledges it had not yet submitted a travel document package to the Vietnamese consulate.

Respondents seek to justify Petitioner's continued detention by relying on a November 2025 arrest — yet they fail to disclose that the criminal matter was dismissed and resulted in no conviction. They further rely on a 2018 reporting allegation they waited seven years to act upon, and on a revocation notice they cannot prove was served in December 2025 and which, in any event, Petitioner did not receive until May 21, 2026.

The law does not permit indefinite detention under these circumstances. This Court should grant the Petition and order Petitioner's release.

II. THIS CASE IS CONTROLLED BY HUYNH v. WARDEN, BAKER CORRECTIONAL INSTITUTION

On February 25, 2026, Judge Wendy W. Berger of this Court granted habeas relief to a Vietnamese national on facts that are materially identical to those presented here. *Huynh v.*

Warden, Baker Correctional Institution, Case No. 3:25-cv-01536-WWB-MCR (M.D. Fla. Feb. 25, 2026). Huynh is not merely persuasive authority — it is a direct application of governing law to the same factual scenario Petitioner presents.

In Huynh, the petitioner was a Vietnamese refugee who entered the United States in 1992 — before the July 12, 1995 cutoff established in the U.S.-Vietnam Memorandum of Understanding under which Vietnam agreed to accept deportees only if they entered after that date. Because Huynh entered before the cutoff, the consulate declined to issue him a travel document, citing his order of removal. After more than six months in detention with no travel document obtained and no substantive status update from Vietnam, Judge Berger found that Respondents 'failed to present any evidence showing that Petitioner's removal is any more likely now than it was when he was detained' and ordered his immediate release.

Petitioner's case is stronger than Huynh's in every material respect:

First, Petitioner entered the United States in 1986 — six years before Huynh and nine years before the MOU cutoff. He is even more firmly within the class of Vietnamese nationals whose removability presents the same concerns identified in Huynh.

Second, Petitioner has been under the same removal order since 1996, for nearly thirty years. Huynh's order was entered in 2003. The Government's decades-long failure to remove Petitioner is powerful evidence that removal remains impossible.

Third — and most significantly — unlike Huynh, where DHS had at least initiated travel document efforts, Respondents here acknowledge that the travel document package had not yet been submitted to the Vietnamese consulate as of the date of their Response. Officer Diaz's declaration confirms he met with Petitioner on May 15, 2026, to gather information needed to

complete the travel document package, ordered Petitioner's A-File on May 17, 2026, and stated he expected to receive it by May 26, 2026 — after which the package would be submitted. (Ex. F ¶¶ 8-9.) The submission had not yet occurred. If the Huynh court found the Government's evidence insufficient where a travel document request had been pending for approximately six months with no response, the Government's position here — where the request has not even been submitted — cannot clear the bar.

III. PETITIONER'S DETENTION EXCEEDS THE PRESUMPTIVELY REASONABLE PERIOD UNDER ZADVYDAS

Under Zadvydas, an alien's post-removal-order detention is presumptively unreasonable after six months. 533 U.S. at 701. If the alien provides good reason to believe there is no significant likelihood of removal in the reasonably foreseeable future, the burden shifts to the Government to rebut that showing with sufficient evidence. *Akinwale v. Ashcroft*, 287 F.3d 1050, 1052 (11th Cir. 2002).

Respondents argued in their Response that Petitioner's current detention had not yet exceeded 180 days as of that filing and was therefore premature. That argument is now moot: Petitioner was taken into ICE custody on December 16, 2025, and the six-month presumptive period has since expired.

Moreover, Respondents' argument that each new period of detention resets the Zadvydas clock is not the law of this District. In *Khadjiev v. Field Office Director*, Case No. 3:26-cv-822-MMH-MCR (M.D. Fla. May 28, 2026), Judge Morales Howard held that 'once an individual has been detained for more than six consecutive months after his final order of removal is entered, he

has met the first prong of the Zadvydas test,' and that prior detention history counts toward that determination. The Court expressly rejected the Government's argument that a new 58-day detention restarted the clock where the petitioner had previously been detained over a year on the same removal order.

Petitioner has been detained multiple times on this same 1996 removal order. Treating each re-detention as a fresh start would, as courts have recognized, 'effectively allow ICE to detain noncitizens indefinitely and avoid judicial scrutiny by releasing and re-detaining them every six months.' *Krechmar v. Parra*, No. 2:25-CV-01095-SPC-DNF, 2025 WL 3620802, at *3 (M.D. Fla. Dec. 15, 2025). That is not the law.

IV. THE RECORD ESTABLISHES NO SIGNIFICANT LIKELIHOOD OF REMOVAL IN THE REASONABLY FORESEEABLE FUTURE

Petitioner has met his initial burden under *Zadvydas*. He entered the United States before July 12, 1995, placing him in the class of Vietnamese nationals for whom, as the *Huynh* court found, DHS cannot secure travel documents and cannot effectuate removal within a reasonably foreseeable period. He has been under the same removal order for nearly thirty years without being removed. And the Government's own evidence confirms no travel document has been obtained.

The burden therefore shifts to Respondents to demonstrate a significant likelihood of removal in the reasonably foreseeable future. They cannot meet it.

Officer Diaz's declaration, taken at face value, confirms the following: as of May 15, 2026 — nearly six months into Petitioner's detention — the Government had not yet assembled the

This case is governed by *Huynh*. A court in this District, applying *Zadvydas* to a Vietnamese refugee who entered before the 1995 MOU cutoff, found that DHS's failure to secure a travel document after six months of detention required release. Petitioner entered years earlier, has been under the same removal order for decades, and the Government has not yet even submitted a travel document request to Vietnam. The dismissal of the 2025 arrest, the seven-year-old reporting allegation, and the missing December 2025 revocation notice all further undercut the Government's position.

PRAYER FOR RELIEF

WHEREFORE, Petitioner Hung Quoc Nguyen respectfully requests that this Court:

1. GRANT the Petition for Writ of Habeas Corpus;
2. ORDER Petitioner's immediate release from immigration detention;
3. ORDER that Petitioner be released under appropriate conditions of supervision consistent with his pre-existing Order of Supervision;
4. ORDER Respondents to facilitate Petitioner's transportation from the detention facility and to notify Petitioner of the time and place he may be collected; and
5. GRANT such other and further relief as this Court deems just and proper.

Respectfully submitted,

information needed to complete a travel document package; the A-File had been ordered and was not expected to arrive until May 26, 2026; and submission to the Vietnamese consulate remained pending. (Ex. F ¶¶ 8-9.) Officer Diaz further states that Vietnam has 30 days to issue a travel document once it receives a request from the ERO Attache (Ex. F ¶ 9), and that the next charter flight to Vietnam is tentatively scheduled for early June 2026 (Ex. F ¶ 12).

These representations are aspirational, not evidentiary. They depend on: the A-File arriving as expected; the package being completed; the package being submitted; Vietnam choosing to process a pre-1995 entrant's travel document; Vietnam approving the request within 30 days; and a charter flight operating on schedule. No court applying *Zadvydas* has found that a chain of unverified future contingencies satisfies the Government's burden.

As Judge Berger held in *Huynh*: 'Respondents have not provided any details about why a travel document has not been obtained in the past twenty-plus years or whether there are changed circumstances such that a travel document is likely to be obtained now.' That observation applies with equal force here. The Government offers no explanation why Vietnam — which has declined to cooperate for three decades — will now act within 30 days.

V. PETITIONER'S U.S. CITIZEN PARENTS AND COMMUNITY TIES SUPPORT RELEASE

Petitioner's parents are United States citizens. He has resided in the United States for approximately forty years, having arrived as a refugee at age thirteen. These facts are relevant both to the equities of continued detention and to the appropriateness of supervised release.

Courts evaluating Zadvydas claims have recognized that the duration of a person's residence in the United States — particularly those who arrived as refugees — bears on the constitutional weight of continued confinement when removal remains indefinitely impossible. See *Zadvydas*, 533 U.S. at 693. Petitioner has no meaningful ties to Vietnam. He has not lived there in four decades. His family is here.

These ties also make Petitioner an appropriate candidate for release on supervision. His parents' citizenship and his longstanding community presence provide both stability and accountability. If this Court is inclined to impose conditions of release, Petitioner respectfully requests the opportunity to address appropriate conditions at a hearing.

VI. THE REVOCATION OF PETITIONER'S ORDER OF SUPERVISION WAS PROCEDURALLY DEFECTIVE AND REMAINS UNSUPPORTED BY EVIDENCE

Respondents contend that Petitioner's Order of Supervision was lawfully revoked when he was taken into ICE custody on December 16, 2025. But Respondents did not attach the alleged December 2025 revocation notice upon which their argument depends. The only revocation notice available to Petitioner is dated May 21, 2026 — more than five months after his detention began. Respondents offer no explanation for this gap. Nor have Respondents produced any documentation demonstrating that Petitioner received a prompt informal interview or meaningful opportunity to contest revocation at the time detention began.

The absence of the December 2025 notice is not a technical deficiency. It is a critical evidentiary gap. The Government bears the burden of justifying continued detention. Where the Government claims revocation was the basis for detention, it must produce the revocation notice,

proof of service, a record of any informal interview, and the written determination — none of which have been submitted to this Court.

Detaining a person first and issuing a revocation notice five months later inverts the procedural protections that 8 C.F.R. § 241.13 is designed to provide. Petitioner was afforded no meaningful opportunity to understand or respond to the alleged grounds for revocation at the time of his detention.

VII. RESPONDENTS' RELIANCE ON A DISMISSED CRIMINAL MATTER AND A STALE REPORTING VIOLATION IS MISPLACED

Respondents repeatedly reference Petitioner's November 2025 arrest. What Respondents do not disclose is that the criminal matter was dismissed and resulted in no conviction. An arrest is not proof of guilt. The Government's own exhibit establishes only that a booking occurred. Characterizing this as criminal conduct that warrants continued detention is unsupported and should be afforded no weight.

Respondents also assert that Petitioner failed to report to ICE in 2018 — a violation they waited approximately seven years to act upon. If that alleged failure truly rendered Petitioner a danger or flight risk, Respondents offer no explanation for why no action was taken from 2018 until 2025. The seven-year delay fatally undermines any claim of urgency.

VIII. CONCLUSION

~~Hung Quoc Nguyen~~ 6-5-26.

Hung Quoc Nguyen

Petitioner, Pro Se

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